IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1674 of 2006

MAHESH KUMAR JOSHI
V/S
RAJ.CO-OP.DAIRY FEDERATION & ORS.

Mr. SN TRIVEDI, for the appellant / petitioner

Mr. PS BHATI, for the respondent

Date of Order : 26.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The only contention is that the departmental action was taken against the petitioner and punishment was imposed thereafter another show cause notice was given proposing dismissal which was challenged by the petitioner in this court and there interim stay was granted, therefore, the order of transfer [Annexure 1] is out come of malafide. I tis contended that the place where he has been ordered to be posted there is no sanctioned post, therefore, he could not be transferred.

The reply has been filed contending that the transfer order has been passed only for fulfilling the administrative exigency arising out of the peculiar situation whereby the respondents are faced with serious

financial and marking crises due to well functioning of the unit at Chhatargarh where the petitioner has been transferred. It is also contended that the respondents is an assessing economy unit which has to perform in the market to keep appraise with the economy and finances. Looking to weak financial position certain measures have been implemented to reduce the financial burden. It is contended that the petitioner has been posted with intention of taking steps to rectify the inimical and re-cancellation of the record pertaining to animal food, ghee, seeds etc. And is not on account of the alleged departmental proceedings. Various other details of administrative exigencies have been pleaded.

In my view, it cannot be said that the impugned order has been passed on account of any malafide and it clearly appears to be an outcome of administrative exigency which not require any interference by the court in writ jurisdiction. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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